

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

XIOMARA VAZQUEZ, Special)	
Administrator of the Estate of SEBASTIAN)	
SOTO,)	
)	
Plaintiff,)	
)	No. 18 C 5028
v.)	
)	Judge
PATRICIA D. CHICO, M.D., ESPARANZA)	
HEALTH CENTERS, a Corporation;)	Formerly Case No. 2018-L-2493, Circuit
JAMES B. MELIA, M.D., LAWNSDALE)	Court of Cook County, Illinois
CHRISTIAN HEALTH CENTER, a)	
Corporation; LESLIE M. BALLARD, M.D.,)	
ST. ANTHONY HOSPITAL, a Corporation,)	
)	
Defendants.)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To:	Dorothy Brown, Clerk Circuit Court of Cook County, Illinois Richard J. Daley Center, Room 1001 50 West Washington Street Chicago, Illinois 60602	John L. Nisivaco BOUDREAU & NISIVACO, LLC 120 North LaSalle Street, Suite 1250 Chicago, Illinois 60602
	Sammi L. Renken JOHNSON & BELL LTD 33 West Monroe Street, Suite 2700 Chicago, Illinois 60603	Richard C. Huettel CASSIDAY SCHADE LLP 222 West Adams Street, Suite 2900 Chicago, Illinois 60606

The United States of America, by its attorney, John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 42 U.S.C. § 233, and in support thereof states the following:

1. On March 8, 2018, plaintiff Xiomara Vazquez, Special Administrator of the Estate of Sebastian Soto, deceased, commenced the above civil action against Patricia D. Chico, M.D., James B. Melia, M.D., Esperanza Health Centers, Lawndale Christian Health Center, and others, alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, Esperanza Health Centers and Lawndale Christian Health Center are private entities that receive grant money from the Public Health Service pursuant to 42 U.S.C. § 233. *See* Exhibit B. In addition, Patricia D. Chico, M.D., and James B. Melia, M.D., were acting within the scope of their employment at Esperanza Health Centers and Lawndale Christian Health Center, respectively, with regard to the incidents referred to in the complaint. *Id.*

2. This notice of removal is filed in accordance with 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendants Esperanza Health Centers and Lawndale Christian Health Center were private entities receiving grant money from the Public Health Service and that defendants Patricia D. Chico, M.D., and James B. Melia, M.D., were acting within the scope of their employment at Esperanza Health Centers and Lawndale Christian Health Center, respectively, with regard to the incidents referred to in the complaint. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 42 U.S.C. § 233(c). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 233(c), this civil action is deemed an action against the United States, and the United States is substituted as the sole federal party defendant in place of defendants Esperanza Health Centers, Lawndale Christian Health Center, Patricia D. Chico, M.D., and James B. Melia, M.D.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this court pursuant to 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Esperanza Health Centers, Lawndale Christian Health Center, Patricia D. Chico, M.D., and James B. Melia, M.D.

Respectfully submitted,

JOHN R. LAUSCH, Jr.
United States Attorney

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CERTIFICATE OF SERVICE

I, Erin E. Kelly, an attorney, hereby certify that on July 24, 2018, I caused the foregoing document to be served upon the following counsel by U.S. mail, postage prepaid:

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